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**CONTINUING APPLICATION TRANSMITTAL FORM 37 CFR 1.53(b)**

ATTORNEY'S DOCKET NO.  
0147-1 DIV1

Address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

This is a request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part of prior application  
No. 09 / 828,330 filed on April 6, 2001 of

Inventor: Wayne P. Franco

Title: **METHODS OF USE OF FIBROBLAST GROWTH FACTOR, VASCULAR  
ENDOTHELIAL GROWTH FACTOR AND RELATED PROTEINS IN THE  
TREATMENT OF ACUTE AND CHRONIC HEART DISEASE**

1. ☒ A Declaration and Power of Attorney is enclosed. The enclosed Declaration and Power of Attorney is:
  - ☒ a. A copy of the Declaration and Power of Attorney from the parent application. (Used with the same Or fewer inventors and (a) a copy of the prior application or (b) a revised, reformatted or edited Version of the prior application that does not contain new matter.)
  - ☐ b. A new Declaration and Power of Attorney. (Used with the same, fewer or additional inventors And (a) a copy of the prior application, (b) a revised, reformatted or edited version of the prior Application that does not contain new matter, or (c) a new specification.)
2. ☐ Cancel in this application claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below.

	NUMBER FILED	NUMBER EXTRA	RATE	FEE
			\$385.00	\$385.00
TOTAL CLAIMS	15-20=	0	\$ 9.00	0
INDEPENDENT CLAIMS	2-3=	0	\$ 43.00	0
MULTIPLE DEPENDENT CLAIM PRESENT			\$145.00	0
			<b>TOTAL</b>	<b>385.00</b>

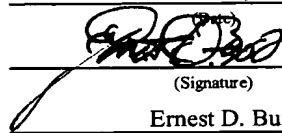
4. ☒ Enclosed is a check in the amount of \$385
5. ☒ Amend the specification by inserting before the first line the sentence: This application is a ☐ continuation ☒ divisional ☐ Continuation-in-part of application Serial No. 09/828,330 Filed April 6, 2001

The entire disclosure of the prior application(s) is hereby incorporated by reference in its entirety.

6. ☐ a. Transfer the drawings from the pending prior application to this application.
- ☒ b. New informal drawings are enclosed.

7. ☒ Priority of U.S. Provisional Application No. 60/195,624 filed April 6, 2000  
is claimed under 35 U.S.C. 119(e).
8. ☐ a. Priority of foreign application no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_  
\_\_\_\_\_ is claimed under 35 U.S.C. 119.  
(country)
- ☐ b. The certified copy has been filed in prior application serial no. \_\_\_\_\_
9. ☐ The prior application is assigned of record to \_\_\_\_\_
10. ☒ A Preliminary Amendment is enclosed.
11. ☐ Information Disclosure Statement, PTO 1449 and Copies of Citations are enclosed.
12. ☒ The power of attorney in the prior application is to Ernest D. Buff, Esq. Reg. No. 25,833  
Ernest D. Buff & Assoc.  
245 South Street  
Morristown, NJ 07960
- a. ☐ The power appears in the attached Declaration.
- b. ☒ Since the power does not appear in the attached Declaration, a copy of the substitute Power of Attorney is enclosed.
13. ☒ Address all future communications:  
Ernest D. Buff, Esq.  
Ernest D. Buff & Assoc.  
245 South Street  
Morristown, NJ 07960
14. ☒ Also enclosed: Sequence Listing as required by 37 CFR §1.821(c)

Correspondence Address:  
Ernest D. Buff  
Ernest D. Buff & Associates, LLC  
245 South Street  
Morristown, NJ 07960

December 9, 2003  
  
(Signature)  
Ernest D. Buff (Reg. No. 25,833)  
(Name & Registration Number)  
973-644-0008 973-644-4554  
(Phone) (Fax)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Wayne P. Franco  
Serial No.: Division of  
USSN 09/828,330  
Filed: April 6, 2001  
For: **METHODS OF USE OF FIBROBLAST GROWTH FACTOR,  
VASCULAR ENDOTHELIAL GROWTH FACTOR AND  
RELATED PROTEINS IN THE TREATMENT OF ACUTE  
AND CHRONIC HEART DISEASE**  
Docket No.: 0147-1 DIV1

Ernest D. Buff & Associates, LLC  
245 South Street  
Morristown, N.J. 07960  
December 9, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Certificate of Mailing by Express Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope bearing Express Mail Label No. EU950676059 addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2003.

  
*Signature*

**Ernest D. Buff**  
*Attorney of Record*

December 9, 2003  
*(Date)*